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Amendment
Attorney Docket No. H01.2B-10407-US01

Amendments To The Drawings:

None.

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Remarks

This Amendment is in response to the Office Action dated **October 13, 2004**. In this Final Office Action, the Examiner indicated that new claims 4-6 were rejected as anticipated by a new reference (Lewis – International Application No. PCT/US86/00580).

Applicant would like to first request that the finality of this office action be withdrawn. As claims 4-6 were newly added in the last amendment, they have not yet been twice rejected. Also Lewis is newly applied to new claims 4-6, and therefore it is not believed that the finality of this office action is appropriate.

Applicant has amended claims 5-6 to change an erroneous dependency on cancelled claim 1. This amendment should be entered as it fixes an obvious error and places the claims in better condition for appeal and/or allowance.

The §102 Rejection

Lewis was brought to the attention of the examiner to indicate that nozzle means to reject tablets are known in the prior art and that it also is known to control the air pulses by control means controlling the operation of the valve upstream of the nozzle.

The Examiner then cited Lewis as a §102 reference. The examiner has indicated that Lewis discloses a pressure sensor which is disposed in the line to the nozzle. **This is not correct.**

After a careful review of Lewis, it cannot be seen that at any place in Lewis that there is a disclosure that a pressure sensor is located in a conduit leading to the rejection nozzle. Rather, there is **no provision of a pressure sensor in this conduit**, and the two-way valve which is to generate air pulses for the nozzle is operated by two air control solenoids 70, 72, which in turn are controlled by a microprocessor through a reject gate controller logic.

It is also believed that the Examiner is **incorrect** in holding that a logic evaluation circuit

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is provided in Lewis which receives a signal from the sensor and the control signal to the valve. Lewis does disclose a logic circuit. However, this logic circuit is to generate pulses for the air control solenoid and not to generate an error signal in response to the appearance of the control signal and the sensor signal as well.

For the above reasons it can be seen that Lewis **does not disclose** a monitoring of the operation of the valve and the operation of the air source to find out whether the rejection system is satisfactorily working.

Claim 4 clearly requires a pressure sensor be disposed in the line to the nozzle. Therefore, claims 4-6 cannot be anticipated by Lewis, which does not disclose this feature.

Conclusion

Applicant requests that the amendments made to claims 5-6 be entered. Applicant requests that the finality of the office action be withdrawn because claims 4-6 have not been rejected twice and Lewis is a newly applied reference, merely cited by applicant to show the state of the art. In addition, applicant has shown that Lewis does not disclose the claim limitations required by claims 4-6.

In view of the foregoing it is believed that the present application, with pending claims 4-6, is in condition for allowance. Early action to that effect is earnestly solicited.

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Respectfully submitted,

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